

DRAFT

Permit No. CA0110419

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act"),

Shell Western E & P Inc.
P. O. Box 11164
Bakersfield, CA 93389

is authorized to discharge:

drilling muds and cuttings (discharge 001)
produced water (discharge 002)
well completion and treatment fluids (discharge 003)
deck drainage (discharge 004)
sanitary wastes and domestic wastes (discharge 005)
non-contact cooling water (discharge 006)
source water (discharge 007)
fire control system test water (discharge 008)
filter bypass and backwash water (discharge 009)
blow-out preventer fluid (discharge 010)
excess cement (discharge 011)
hydrotest water (discharge 012)
fugitive paint and sandblast materials (discharge 013)
fresh water from pressure relief valves and diatomaceous earth
filter media (discharge 014)

from the Beta Unit Complex located on OCS lease parcel P-0300, to Federal waters of the San Pedro Channel beyond the territorial seas off the coast of the State of California in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

This permit shall become effective on
or on such date, whichever is later, when the discharger provides EPA with a certification, concurred upon by the California Coastal Commission, that the activity is consistent with the approved State Coastal Zone Management Program.

This permit and the authorization to discharge shall expire at midnight, July 30, 1997, or on the effective date that reissued general NPDES permit No. CA0110516 applies to discharges 001 through 014 above, whichever occurs first.

Signed this day of 1992

For the Regional Administrator

Director, Water Management Division

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall serial number 001 (drilling muds and drill cuttings).
 - a. The permittee shall estimate and report the total monthly discharge volume for drilling muds and drill cuttings. The volumes for muds and cuttings shall be reported separately. The permittee shall also report the number of days of discharge of drilling muds for each drilling mud system used.
 - b. There shall be no discharge of free oil as a result of the discharge of drilling muds or drill cuttings. Compliance with this limit shall be determined in accordance with the procedure in "Static Sheen Test" (U.S. Environmental Protection Agency, Region 9, 1986). The test shall be conducted on each day of discharge of drill cuttings or drilling mud. For each discharge of drilling muds, the test shall be conducted immediately prior to the discharge. The permittee shall report the number of times free oil was observed.
 - c. The discharge of drilling fluids which contain waste engine oil, cooling oil, gear oil, lubricant which has been previously used for purposes other than borehole lubrication, is prohibited.
 - d. The discharge of oil-based drilling muds is prohibited.
 - e. Drilling mud toxicity. The minimum 96 hour LC50 value for drilling muds discharged in compliance with this permit is 30,000 ppm (suspended particulate phase). The permittee shall demonstrate compliance with this limit by conducting and reporting the results of a drilling mud bioassay for each mud system which is used and discharged. Mud samples for the bioassay shall be taken at the time that maximum well depth (at least 80% of actual well footage at the time of discharge) is reached for each generic mud type.

The bioassay procedure to be used is "Drilling Fluids Toxicity Test" (U.S. Environmental Protection Agency, 1985). Bioassay results shall be submitted within 45 days following completion of each well (Condition I.C.4.).

With the exception of the drilling mud system used and discharged when the well reaches its maximum depth, the bioassay requirement shall be deemed satisfied upon a

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demonstration by the permittee that a discharged mud complies with the requirements of (1), (2) or (3) below:

- (1) The mud is generic as defined in Condition III.B.15.
 - (2) The mud is generic as defined in Condition III.B.15 (excluding generic mud #1) and all specialty additives included in the mud satisfy either of the following conditions:
 - (A) when each additive is included at its maximum concentration in generic mud #7 (lightly treated lignosulfonate mud), the 96 hour LC50 value of the resulting mud exceeds 100,000 ppm for the suspended particulate phase. The bioassay procedure shall be that in "Drilling Fluids Toxicity Test" identified above.
 - (B) other toxicity data is available for the additive upon which EPA may reasonably conclude that (A) above would be satisfied.
 - (3) The mud is generic as defined in Condition III.B.15 and contains additives used in quantities such that the resulting whole mud may, based on bioassay data for similar whole muds or bioassay or toxicity data for the additives, be shown to comply with the overall toxicity limit (30,000 ppm). The permittee shall be responsible for providing the demonstration of compliance. The method in "Separate and Joint Toxicity to Rainbow Trout of Substances Used in Drilling Fluids for Oil Exploration" (Sprague and Logan, 1979) may be used to estimate joint toxicity.
- f. Drilling Muds Inventory and Reporting Requirements. The permittee shall maintain a precise inventory of all mud constituents added downhole for each well. The composition of each mud system used and discharged by the permittee shall be reported to EPA. Mud composition data shall be submitted to EPA within 45 days following completion of each well.
- g. There shall be no discharge of drilling mud formulated with barite in which the mercury concentration in the barite exceeds 1 ppm or the cadmium concentration in the barite exceeds 2 ppm. An analysis for mercury and cadmium contamination shall be conducted for the barite used by the permittee for each mud system, and the results of the analysis submitted to EPA along with the mud composition data required by (f) above.

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- h. There shall be no discharge of diesel oil in detectable amounts in drilling muds or cuttings. A sample of drilling mud and a sample of drill cuttings, obtained at maximum well depth shall be tested for diesel oil using Method 1651, described at 54 Federal Register 634. The results of the analyses shall be submitted to EPA along with the other requirements of (f) above.
- i. There shall be no discharge of chrome lignosulfonate.
- j. Reporting of Final Mud Dump. The permittee shall provide verbal notice to EPA (or other Federal agency designated by EPA at a later date) 48 hours prior to the final mud dump upon completion of each well. Reports during normal business hours (8:00 a.m. - 4:30 p.m.) shall be provided to the Compliance Section, Water Management Division, at telephone number (415) 744-1902. Twenty-four hour reporting may be made at (415) 744-2000.
- k. The permittee shall determine the oil content of the drilling mud on each day of discharge (grab sample) using the API retort procedure found in "Standard Procedure for Field Testing Drilling Fluids. API Recommended Practice Bulletin 13B, 11th Edition" (American Petroleum Institute, 1985). This information shall be recorded but not reported unless otherwise requested by EPA.
- l. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: discharge 001, subsequent to all treatment processes and prior to entry into the waters of the Santa Barbara Channel.
- m. Maximum annual discharge of muds and cuttings. The maximum annual quantity of drilling muds and cuttings which is discharged shall not exceed 68,100 bbls (combined volume of mud and cuttings discharges).

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2. During the period beginning the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall serial number 002 (produced water).

- a. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Monthly Avg. (mg/l)	Daily Max. (mg/l)	Measurement Frequency	Sample Type
Flow (MGD)	-	-	Once/Week	Estimate
Oil and Grease	48.0	72.0	"	Composite
Arsenic	-	.032*	Once/3 Months	Discrete
Cadmium	-	.004*	"	"
Total Chromium	-	.008*	"	"
Copper	-	.012*	"	"
Cyanides	-	.004*	"	"
Lead	-	.008*	"	"
Mercury	-	.00016*	"	"
Nickel	-	.020*	"	"
Selenium	-	.060	"	"
Silver	-	.0028*	"	"
Zinc	-	.080*	"	"
Ammonia (expressed as N)	-	2.4*	"	"
Phenol	-	.120*	"	"
Naphthalene	-	.0235*	"	"
2,4 Dimethylphenol	-	-	"	"
Benzene	-	.0059*	"	"
Toluene	-	.050*	"	"
Ethylbenzene	-	.0043*	"	"
Benzo (a) pyrene	-	.003*	"	"
Bis (2-ethylhexyl) phthalate	-	.0035*	"	"
Radioactivity (pCi/l) (Ra ²²⁶ and Ra ²²⁸)	-	-	Once/6 months	"

* This limit is applicable after initial dilution within a mixing zone defined in Condition III.B.16. Compliance with these limits shall be determined through use of the following equation:

$$C_e = C_o + D_m (C_o - C_s)$$

where C_e = the maximum allowable concentration,

C_o = the concentration in Part I.A.2(a) which is to be met at the completion of initial dilution,

C_s = background seawater concentration (see Part III.B.17), and

D_m = minimum probable initial dilution expressed in parts seawater per part wastewater.

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- b. Use of chemical additives in produced water. The permittee shall maintain a record of all substances added to produced waters included but not limited to biocides, corrosion inhibitors and scale inhibitors. The quantity, concentration and chemical composition of these substances shall be reported as a supplement to the monitoring report required by Condition I.C.4 of this permit.
- c. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at a point in discharge 002 subsequent to all treatment processes and prior to entry into the waters of the San Pedro Channel.
- d. Maximum discharge rate for produced water. The discharge rate for produced water shall not exceed 30,000 bbls/day. Mass discharge limits also apply to all constituents limited above in produced water calculated using the following equation:

$$\text{mass limit (lbs/day)} = \text{concentration limit (mg/l)} \times 8.34 \times \text{actual flow rate in million gallons per day}$$

3. During the period beginning the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall serial numbers 003-005.

- a. Such discharges shall be limited and monitored by the permittee as specified below on the following pages:

<u>Serial Numbers/ Outfalls</u>	<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>	<u>Monitoring Requirements</u>	
			<u>Measurement Frequency</u>	<u>Sample Type</u>
003 - Well Completion and Treatment Fluids***	Volume		once/month	estimate
	Free Oil	No Visible Sheen	once/day	visual ob- servations*
004 - Deck Drainage	Volume		once/month	estimate
	Free Oil	No Visible Sheen	once/day	visual ob- servations*

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005 - Sanitary and Domestic Wastes	Flow Rate (MGD)	once/month	estimate
	Residual Chlorine 1.0 mg/l**	once/week	discrete
	Free Oil No Visible Sheen	once/day	visual observations*
	Floating Solids No Floating Solids	once/day	visual observations****

* The permittee shall make visual observations during daylight hours for the presence of free oil in the receiving water on each day of discharge, and shall report the number of days a sheen was observed. The observations shall be made while the discharges are occurring. For discharges of deck drainage and well completion and treatment fluids occurring at night, compliance shall be determined using the static sheen test [see Condition I.A.1(b)].

** Minimum of 1 mg/l and maintained as close to this concentration as possible (maximum concentration is 10 mg/l). This requirement is not applicable to facilities intermittently manned or to facilities permanently manned by nine (9) or fewer persons. There shall be no visible floating solids in the receiving waters from this discharge for facilities intermittently manned or permanently manned by nine (9) or fewer persons. For such facilities, visible observations for floating solids are required daily while the discharges are occurring and the permittee shall report the number of times floating solids were observed.

*** The chemical composition of these fluids shall be reported to EPA as a supplement to the monitoring report required by Condition I.C.4. of this permit.

**** The permittee shall make visual observations during daylight hours for the presence of floating solids in the receiving water on each day of discharge, and shall report the number of days floating solids were observed. The observations shall be made while the discharges are occurring.

b. Samples taken in compliance with monitoring requirements specified above shall be taken at a sampling point prior to commingling with any other waste stream or entering Santa Barbara Channel waters.

4. During the period beginning the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall(s) serial number(s) 006-014 (miscellaneous discharges):

Discharges 006 - Non-Contact Cooling water
007 - Source Water
008 - Fire Control System Test Water
009 - Filter Bypass and Backwash Water
010 - Blow-out Preventer Fluid
011 - Excess Cement
012 - Hydrotest Water
013 - Fugitive Paint and Sandblast Materials
014 - Fresh Water from Pressure Relief Valves
and Diatomaceous Earth Filter Media

- a. There shall be no free oil in the receiving waters as a result of these discharges. The permittee shall make visual observations during daylight hours for the presence of free oil in the receiving water on each day of discharge, and shall report the number of days a sheen was observed. The observations shall be made while the discharges are occurring. The permittee shall also estimate and report the volumes of these discharges. The discharge of excess cement shall not exceed 1,400 bbls/year. In addition, within 3 months of the effective date of this permit or the initiation of excess cement discharges, whichever is later, the permittee shall submit to EPA, Region 9 a bioassay test report for excess cement, using the test procedure specified in Condition I.A.1(e) of this permit. Additional permit discharge limitations may be established depending on the test results.
- b. The permittee shall test (once/discharge) a composite sample of discharge 012 for suspended solids and submit the test results to Region 9 with the regular DMR required by Condition I.C.4 covering the period in which the discharges occur. The permittee shall also test and report (once/year) discharge 007 for the same parameters (and same sample type) specified in Condition I.A.2(a) for produced water.

5. Reopener Clause

In addition to any other grounds specified herein, this permit shall be modified or revoked at any time if, on the basis of any new data, the Regional Administrator determines that continued discharges may cause unreasonable degradation of the marine environment.

6. For discharges 006 and 008 which contain chlorine, the residual chlorine concentration outside the mixing zone defined in Condition III.B.16 shall not exceed 0.008 mg/l. Monitoring for residual chlorine shall be conducted once/week for discharge 006 and once/event for the case of the noncontinuous discharge of fire control system test water (discrete sample). The permittee shall include a demonstration of compliance with this limit (using the equation specified in Condition I.A.2(a) for produced water) with the discharge monitoring report required by Condition I.C.4.
7. There shall be no discharge of produced sand.

B. OTHER DISCHARGE LIMITATIONS

1. Floating Solids or Visible Foam

There shall be no discharge of floating solids. There shall be no discharge of visible foam in other than trace amounts.

2. Halogenated Phenol Compounds

There shall be no discharge of halogenated phenol compounds.

3. Surfactants, Dispersants, and Detergents

The discharge of surfactants, dispersants and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the Minerals Management Service. The permittee shall report quantities and composition of surfactants, dispersants and detergents used at each drillsite in the monitoring reports required by Part I.C.4 of this permit.

4. Sanitary Wastes

Any facility using a marine sanitation device that complies with pollution control standards and regulations under Section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste discharges until such time as the device is replaced or is found not to comply with such standards and regulations. All marine sanitation devices shall be tested once per year for proper operation and the test results maintained at the facility.

5. Pollution Prevention Plan for Painting Operations

Within 3 months of the effective date of this permit, the permittee shall submit to EPA, Region 9 a pollution prevention plan designed to minimize the discharge of materials associated with platform painting operations (discharge 013), including sandblasting materials, paint chips and spray paint. Upon approval of the plan by Region 9, implementation of the plan shall become a requirement of this permit.

C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. Penalties for Tampering

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained in this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$20,000 per day of violation, or imprisonment for not more than four years, or both.

4. Reporting of Monitoring Results

Monitoring results obtained for discharges 002-014 during the previous 3 months shall be summarized and reported on a Discharge Monitoring Report Form, EPA No. 3320-1 (DMR). Additional information required by this permit for these discharges during the period covered by the DMR shall be provided as a supplemental report. The DMR form and supplemental report shall be postmarked no later than the 28th day of the month following the completed reporting period. The first report is due . For drilling mud and cuttings discharges (discharge 001), monitoring results obtained during the drilling of each well shall be summarized on the DMR form. The additional information required by this permit for mud and cuttings discharges shall be provided as a supplemental report. The DMR form and the supplemental report are due on the 45th day following completion of each well. Signed and certified copies of these and other reports required herein, shall be submitted to the Regional Administrator at the following address:

Regional Administrator
Environmental Protection Agency
Region 9, Attn: W-5-3
75 Hawthorne Street
San Francisco, CA 94105

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5. Definitions - See Part III.B

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

7. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

8. Intermittent Discharge Monitoring

If the discharge is intermittent rather than continuous, then on the first day of each such intermittent discharge, the permittee shall monitor and record data for all the characteristics listed in the monitoring requirements, after which the frequencies of analysis listed in the monitoring requirements shall apply for the duration of each such intermittent discharge. In no event shall the permittee be required to monitor and record data more often than twice the frequencies listed in the monitoring requirements.

9. Monitoring Modification

Monitoring, analytical, and reporting requirements may be modified by the Regional Administrator upon due notice.

10. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least five (5) years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Administrator at any time. At a minimum, one set of records shall be maintained on the platform. The records shall include the name, title, agency, and signature of persons performing any 3rd party monitoring activities on the platform.

11. Records Content

Records of monitoring information shall include:

- a. The date, place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

12. Inspection and Entry

The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

D. REPORTING REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. Monitoring Reports

Monitoring results shall be reported at the intervals specified in Part I.C.4. of this permit.

3. Twenty-Four Hour Reporting of Noncompliance

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b. Any upset which exceeds any effluent limitation in the permit; and
- c. Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Reports during normal business hours (8 a.m. - 4:30 p.m.) should be made to the Compliance Section, Water Management Division at telephone #415-744-1902. Twenty-four hour reporting may be made at telephone #415-744-2000. All information submitted pursuant to this condition shall also be provided to the Executive Director of the California Coastal Commission.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part I.D.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.3.

5. Signatory Requirements

- a. Applications. All permit applications shall be signed as follows:

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- (1) For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) For a partnership or sole proprietorship: by a general partner or proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (a) the chief executive officer of the agency, or (b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. Reports. All reports required by permits and other information requested by the Regional Administrator shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in paragraph a. of this section;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and
 - (3) The written authorization is submitted to the Regional Administrator.

- c. Changes to authorization. If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Regional Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. Penalties for Falsification of Reports

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than four years, or both.

A. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which are reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations

The permittees may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section.

c. Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.
- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part I.C.3. (24-hour notice).

d. Prohibition of bypass

- (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under paragraph c. of this section.
- (2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if he determines that it will meet the three conditions listed above in paragraph d.(1) of this section.

4. Upset Conditions

a. Definition

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this section are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required in Part I.D.3. (24-hour notice); and
- (4) The permittee complied with any remedial measures required under Part II.B.4 (duty to mitigate).

d. Burden of proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action.

2. Duty to Comply with Toxic Effluent Standards

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. Penalties for Violation of Permit Conditions

The Act provides that any person who violates any condition in this permit is subject to a civil penalty not to exceed \$25,000 per day of each violation. Any person who negligently causes a violation of any condition in this permit is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both for a first conviction. For a second conviction, such a person is subject to a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned changes and anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants

Notwithstanding Part II.B.5. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

15. Generic Drilling Muds (cont.)

2. Seawater/Lignosulfonate Mud	Maximum Allowable Concentration (pounds per barrel)
Components	
Attapulgate or Bentonite	50
Lignosulfonate	15
Lignite	10
Caustic	4
Barite	450
Drilled Solids	100
Soda Ash/Sodium Bicarbonate	2
Cellulose Polymer	5
Seawater	As Needed

3. Lime Mud

Components	
Lime	20
Bentonite	50
Lignosulfonate	15
Lignite	10
Barite	180
Caustic	5
Drilled Solids	100
Soda Ash/Sodium Bicarbonate	2
Freshwater	As Needed

4. Nondispersed Mud

Components	
Bentonite	15
Acrylic Polymer	2
Barite	180
Drilled Solids	70
Freshwater	As Needed

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15. Generic Drilling Muds (cont.)

5. Spud Mud
(Slugged intermittently
with seawater)

Maximum Allowable Concentration
(pounds per barrel)

Attapulgate or Bentonite	50
Caustic	3
Cellulose Polymer	2
Drilled Solids	100
Barite	50
Soda Ash/Sodium Bicarbonate	2
Lime	2
Seawater	As Needed

6. Seawater Gel Mud

Components

Attapulgate or Bentonite	50
Caustic	3
Cellulose Polymer	2
Drilled Solids	100
Barite	50
Soda Ash/Sodium Bicarbonate	2
Lime	2
Seawater	As Needed

7. Lightly Treated Lignosulfonate
Freshwater/Seawater Mud

Components

Bentonite	50
Barite	180
Caustic	3
Lignosulfonate	6
Lignite	4
Cellulose Polymer	2
Drilling Solids	100
Soda Ash/Sodium Bicarbonate	2
Lime	2
Seawater to Freshwater Ratio	1:1 approx.

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15. Generic Drilling Muds (cont.)

8. Lignosulfonate Freshwater Mud	Maximum Allowable Concentration (pounds per barrel)
Components	
Bentonite	5
Barite	450
Caustic	5
Lignosulfonate	15
Lignite	10
Drilling Solids	100
Cellulose Polymer	2
Soda Ash/Sodium Bicarbonate	2
Lime	2
Seawater to Freshwater Ratio	As Needed

16. Mixing zone - the zone extending from the sea's surface to seabed and extending laterally to a distance of 100 meters in all directions from the discharge point or to the boundary of the zone of initial dilution as calculated by a plume model or other method approved by the Regional Administrator.

17. Background Seawater Concentration

Waste Constituent	C _B (mg/l)
Arsenic	0.003
Cadmium	0.000
Total Chromium	0.000
Copper	0.002
Lead	0.000
Mercury	0.00006
Nickel	0.00
Silver	0.00016
Zinc	0.008
Cyanide	0.000
Phenolic Compounds	0.0